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SENATE BILL 121

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO HEALTH; CREATING A SCOPE OF PRACTICE REVIEW PROCESS FOR LICENSED HEALTH-RELATED PROFESSIONS; ESTABLISHING LICENSING BOARD AND NEW MEXICO HEALTH POLICY COMMISSION RESPONSIBILITIES; ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the "Health Professions Review Act".

Section 2. PURPOSE.--The purpose of the Health Professions Review Act is to provide procedures:

A. to objectively review proposed changes to the scopes of practice of health professions licensed by the state to ensure that such changes contribute to the improvement of the overall health of the people of New Mexico; and

B. to make the recommendations resulting from such

1 review available to the legislature.

2 Section 3. DEFINITIONS. -- As used in the Health
3 Professions Review Act:

4 A. "board" means the licensing board of a health
5 profession;

6 B. "commission" means the New Mexico health policy
7 commi ssi on;

8 C. "health profession" means a health-related
9 occupation licensed and regulated pursuant to Chapter 61 NMSA
10 1978; and

11 D. "scope of practice" means the activities
12 permitted each health profession as defined in its respective
13 licensing act and rules adopted pursuant to that act.

14 Section 4. STATUTORY CHANGE-- BOARD RESPONSIBILITY. --

15 A. A person proposing a change to the scope of
16 practice of a health profession shall notify the respective
17 board and request a hearing on the proposed change. The board
18 shall notify the commi ssi on, and the board shall:

19 (1) collect data, including information from
20 the person proposing the change and all other appropriate
21 persons necessary to review the proposed change;

22 (2) conduct a technical assessment of the
23 proposed change, if necessary with the assistance of a
24 technical advisory group established for that specific purpose,
25 to determine whether the proposed change is in the health

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1 profession's current scope of practice; and

2 (3) provide its analysis, conclusions and any
3 recommendations, together with all materials gathered for the
4 review, to the commission.

5 B. The person proposing the change in the scope of
6 practice shall provide the board with all information
7 requested.

8 Section 5. COMMISSION--SCOPE OF PRACTICE REVIEWS AND
9 CRITERIA--POWERS AND DUTIES.--The commission shall:

10 A. notify annually all boards of health professions
11 and, whenever possible, all professional associations and
12 groups of health professions of the responsibility of the
13 boards and the commission to review proposed changes to the
14 scopes of practice of health professions;

15 B. ensure that a scope of practice review by an ad
16 hoc review panel, created pursuant to Section 6 of the Health
17 Professions Review Act, is conducted as a public hearing and is
18 publicized and conducted pursuant to the requirements of
19 Section 12-8-4 NMSA 1978;

20 C. provide staff services to an ad hoc review
21 panel; and

22 D. provide the legislature with any information or
23 assistance requested regarding the review of a proposed change.

24 Section 6. REVIEW PANELS--APPOINTMENT--DUTIES.--

25 A. The commission shall, upon notification of a

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1 proposed change to a health profession's scope of practice,
2 appoint an ad hoc review panel of sufficient numbers and
3 expertise to review and make recommendations on the proposed
4 change. Review panel members:

5 (1) shall include a member of the board of the
6 health profession that the proposed change will affect, but may
7 not include more than two members from a board;

8 (2) may include a member from the professional
9 association of the health profession that the proposed change
10 will affect; and

11 (3) shall include a number, equal to one half
12 of the panel's membership, of individuals who are health
13 consumers and who have no economic interest in the health
14 profession that the proposed change will affect.

15 B. Each review panel shall be chaired by the
16 director of the commission, who shall be a nonvoting member. A
17 review panel shall:

18 (1) familiarize itself with the commission's
19 rules on procedures and criteria for the review;

20 (2) ensure appropriate public notice of its
21 proceedings;

22 (3) invite testimony from persons with special
23 knowledge in the field of the proposed change;

24 (4) assess the proposed change using the
25 following criteria:

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1 (a) whether the proposed change has the
2 potential to harm the health, safety or welfare of health
3 consumers;

4 (b) whether the proposed change will
5 benefit the health, safety and welfare of health consumers;

6 (c) whether the potential benefits of
7 the proposed change outweigh the potential harm;

8 (d) what economic impact on overall
9 health care delivery the proposed change is likely to have; and

10 (e) the extent to which the proposed
11 change will affect the availability, accessibility, delivery
12 and quality of health care in New Mexico;

13 (5) conduct the assessment so as to:

14 (a) consider harm to health consumers in
15 physical, emotional, economic and social contexts;

16 (b) ensure that consideration of
17 economic and social benefits do not outweigh the potential of
18 significant physical harm to health consumers; and

19 (c) ensure that the evidence of
20 potential harm is clearly and directly attributable to the
21 proposed change; and

22 (6) annually report to the New Mexico
23 legislative council, the legislative finance committee and the
24 legislative health and human services committee its
25 recommendations on proposed changes to the scopes of practice

1 of health professions brought before the commission.

2 Section 7. APPROPRIATION. --Twenty-five thousand dollars
3 (\$25,000) is appropriated from the general fund to the New
4 Mexico health policy commission for expenditure in fiscal year
5 2004 for the purpose of administering the provisions of the
6 Health Professions Review Act. Any unexpended or unencumbered
7 balance remaining at the end of fiscal year 2004 shall revert
8 to the general fund.

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